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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,901	01/22/2004	Joseph L. Pikulski	HRL/007-03	6163

31714 7590 04/09/2007  
BALZAN INTELLECTUAL PROPERTY LAW, PC  
674 COUNTY SQUARE DRIVE  
SUITE 105  
VENTURA, CA 93003

EXAMINER
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JOHNSON, JONATHAN J

ART UNIT	PAPER NUMBER
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1725

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/762,901

Applicant(s)

PIKULSKI, JOSEPH L.

Examiner

Jonathan Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication:
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-44 is/are pending in the application.
- 4a) Of the above claim(s) 22-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-44 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 3-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0134976 (Keyser). Keyser teaches a solder matrix of solder materials (paragraph 25); b) microparticles embedded in the solder material of the solder matrix (paragraph 25); and c) the microparticles being constructed so as to be capable of arranging during a solder bonding process so as to provide a substantially uniform separation between opposing soldered surfaces (paragraph 9 and 23); wherein the microparticles are embedded within the solder matrix (paragraph 25); wherein the microparticles are shaped so as to inhibit stacking while self arranging during a solder bonding process (paragraph 25); an amount of microparticles with respect to an amount of the solder matrix so as to inhibit stacking of the microparticles during a solder bonding process (paragraph 9 and 25); wherein the microparticles are shaped so as to inhibit stacking while self arranging during a solder bonding process (paragraph 9 and 25); wherein the microparticles comprise microspheres (paragraph 25); wherein the microparticles comprise at least one of: (a) glass; (b) plastic; (c) elastomer; (d) metal; (e) semiconductor; (f) material capable of conducting electric current; or (g) dielectric material (paragraph 25); wherein

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the microparticles comprise generally regular particles; wherein the microparticles have a coefficient of expansion such that a combined coefficient of expansion of the microparticles and the solder matrix is in a range between the opposing soldered surfaces (paragraph 23); wherein the microparticles have a coefficient of expansion lower, higher or the same as a coefficient of expansion of the solder matrix (paragraph 23); wherein the microparticles are distributed substantially uniformly through the solder matrix (paragraphs 23-27 and figure 3); wherein the microparticles are embedded near an exterior surface of the solder matrix (figure 3, and paragraphs 23-27); wherein the microparticles are secured to an exterior surface of the solder matrix (figure 3, and paragraphs 23-27); wherein the plurality of microspheres comprises microspheres comprising at least one of: (a) glass; (b) plastic; (c) elastomer; (d) metal; (e) semiconductor; (f) material capable of conducting electric current; or (g) dielectric material. and b) a plurality of microspheres having a substantially similar diameter embedded within the solder matrix (paragraph 25 and figure 5, item 24).

### ***Response to Arguments***

Applicant argues Keyser does not teach a "solder matrix" as required by claim 1. The examiner disagrees. During patent examination, the pending claims must be "given the broadest reasonable interpretation." Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). In the instant case, dictionary.com defines "matrix" as "A binding substance." In applying the Prater test by giving the claim its broadest reasonable

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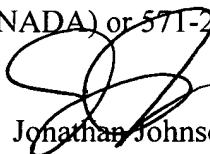
interpretation, it is the examiner's position that the Keyser's solder paste constitutes a solder matrix because both the flux and the spacer spheres 24 are bound by the solder material or paste 22.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Johnson whose telephone number is 571-272-1177. The examiner can normally be reached on M-Th 7:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pat Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jonathan Johnson  
Primary Examiner  
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